

REMARKS

Reconsideration is requested.

Claims 1-7, 10-13 and 17-35 have been canceled, without prejudice. Claims 8, 9 and 14 have been made independent to obviate claim objections noted in paragraph 4 on page 2 of the Office Action dated April 24, 2003 (Paper No. 10). Withdrawal of the objection to claims 8, 9 and 14 is requested.

The following references listed in the PTO-1449 Form received with Paper No. 10, which were not available to the Examiner, as noted in paragraph 5 on page 2 of Paper No. 10, are attached:

Murai, et al., "Phaseolin Gene from Bean Is Expressed After Transfer to Sunflower Via Tumor-Inducing Plasmid Vectors", *Science*, Nov. 1983, pp. 476-481.

Napoli, "Introduction of a Chimeric Chalcone Synthase Gene into *Petunia* Results in Reversible Co-Suppression of Homologous Genes *in trans*, the plant cell." Vol. 2, 279-289, April, 1990.

van der Krol, et al., "Flavonoid Genes in *Petunia*...", *The Plant Cell*, Vol. 2, April, 1990.

van der Krol, et al., "Inhibition of flower pigmentation by antisense CHS genes: promoter and minimal sequence requirements for the antisense effect", *Plant Molecular Biology* 14: 457-466, 1990.

Yamada, et al., "A Novel Type of Corn Starch from a Strain...", *Starke*, 30 (1978) No. 5, S. 145-148.

WO 94/24264, 10/1994.

The Examiner is again requested to review the Patent Office records with regard to the remaining references from the parent file. In the meantime, the undersigned is attempting to obtain further copies of the list of references. The Examiner is requested

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to contact the undersigned if the present application is due for an Action and the remaining references are still not available to the Examiner.

The application is believed to be otherwise in condition for allowance and a Notice to that effect is requested however the applicants do wish to have the references cited from the parent application noted on the face of any patent issuing from this application and MPEP § 609 indicates that it is the Patent Office's responsibility to maintain their files in a manner whereby the applicants are not required to submit further copies of references from pending applications. The Examiner is requested therefore to order further copies of the references for consideration prior to allowance of the application.

Respectfully submitted,

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By: _____



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